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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES OF AMERICA,)	NO. 20-MJ-70327-MAG
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	CONTINUING STATUS HEARING,
v.)	EXCLUDING TIME AND EXTENDING THE
)	DEADLINES UNDER THE SPEEDY TRIAL ACT
GABRIEL GONZALES,)	AND FED R. CRIM. P. 5.1
)	
Defendant.)	

It is hereby stipulated by and between counsel for the United States and counsel for the defendant, Gabriel Gonzales, that the status hearing scheduled for January 20, 2021 at 1:00 PM before the Hon. Nathanael M. Cousins be vacated and rescheduled for February 10, 2021 at [AM/PM].

The reasons for this request are as follows:

1. The defendant appeared before the Honorable Alex G. Tse on May 13, 2020 for his initial appearance on the Complaint. Mr. Gonzales then appeared before the Honorable Donna M. Ryu on May 15, 2020 for a status hearing. At this hearing, the Court remanded Mr. Gonzales into custody, but he was released on May 18, 2020 after the Court signed an order authorizing release. Since then, the Court issued at least five orders continuing the status conference, excluding time, and extending the deadlines of the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1. The bases for those orders included new defense counsel's September 29, 2020 appointment, the receipt of significant discovery, and the ongoing coronavirus.
2. Since the September 29, 2020 appearance, former counsel and the government provided defense counsel with further discovery, some of which is covered by a protection order. However, because of

the ongoing coronavirus and Mr. Gonzales' vulnerability to the disease, defense counsel is unable to review the protected discovery with Mr. Gonzales in counsel's office.

3. Since the last appearance date, defense counsel has investigated this matter. However, additional time is needed to finish this investigation. Both parties have agreed to continue working towards a resolution in this case.

Based on the foregoing, the parties stipulate and agree that excluding time from January 20, 2021 until February 10, 2021 will allow for the effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and agree that the ends of justice served by excluding the time from January 20, 2021 through February 10, 2021 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

The parties further stipulate that, with the consent of the defendant, there is good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act. *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

Undersigned defense counsel certifies that she obtained approval from the Assistant United States Attorney to file this stipulation and proposed order.

IT IS SO STIPULATED.

DATED: January 19, 2021

/s/
JOSEPH TARTAKOVSKY
Assistant United States Attorney

DATED: January 19, 2021

/s/
ASHLEY RISER
Counsel for Defendant Gabriel Gonzales

[PROPOSED] ORDER

Based upon the facts set forth in the stipulation of the parties and for good cause shown, the Court vacates the status conference scheduled for January 20, 2021 at 1:00 P.M. and reschedules it for February 10, 2021 at [AM/PM]. The Court further finds that failing to exclude the time from January

1 20, 2021 through February 10, 2021 would unreasonably deny defense counsel and the defendant the
2 reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
3 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the
4 time from January 20, 2021 through February 10, 2021 from computation under the Speedy Trial Act
5 outweigh the best interests of the public and the defendant in a speedy trial. For the same reasons, the
6 Court finds good cause for extending the time limits for a preliminary hearing under Federal Rule of
7 Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy
8 Trial Act. *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161. Therefore, and with the consent of the parties, IT
9 IS HEREBY ORDERED that the time from January 20, 2021 through February 10, 2021 shall be
10 excluded from computation under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1.
11 18 U.S.C. § 3161(h)(7)(A), (B)(iv); Fed R. Crim. P. 5.1(d).

12 IT IS SO ORDERED.

13
14 DATED: _____

HON. NATHANAEL M. COUSINS
United States Magistrate Judge